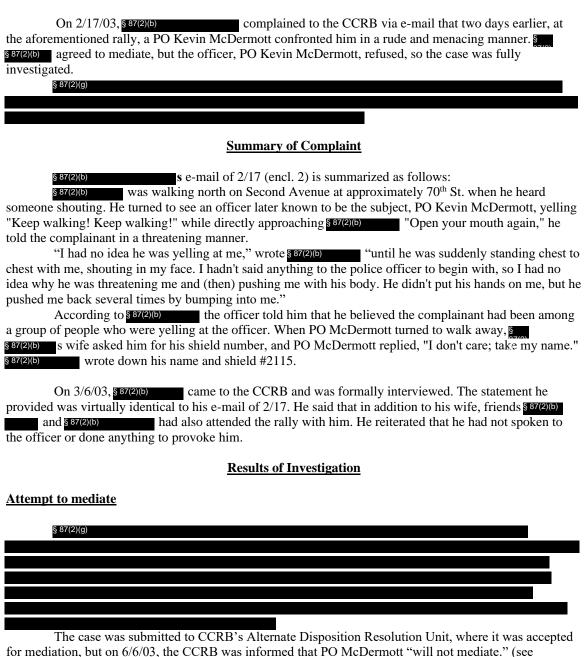
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	Discourt.	☐ U.S.
Jonah Goger		Team # 4	200301255	☐ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Saturday, 02/15/2003 2:00 PM		C/O 2nd Ave & 70th S	t, Manhattan	19	8/15/2004	8/15/2004
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	Received at CCI	₹B
Mon, 02/17/2003 3:33 PM		CCRB	On-line website	Mon, 02/1	7/2003 3:33 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Kevin Mcdermott	02115	898014	032 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POF Carla Thomas	09988	918400	032 PCT			
2. LT Kevin Mcgeever	00000	894168	NAR DIV			
Officer(s)	Allegatio	on		Inve	stigator Recon	nmendation
A.POM Kevin Mcdermott	Discourtesy: PO Kevin Mcdermott acted rudely to \$87(2)(b)					

Synopsis

This complaint stems from the anti-war rally that took place on 2/15/03, at the United Nations Headquarters, which received extensive press coverage. As such the case was deemed sensitive and has been appearing on the agency's sensitive case list.

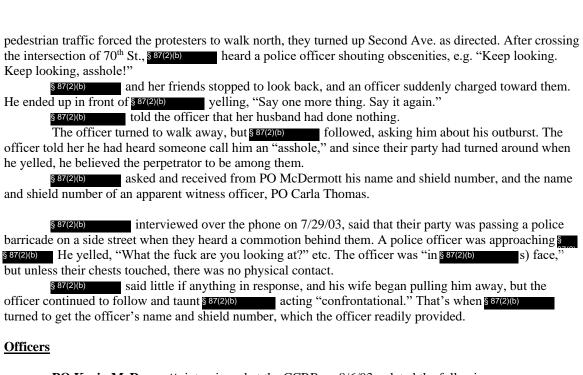


Civilian Witnesses

Mediation Activity Log, encl. 10).

also interviewed at the CCRB on 3/6/03, said that she, her husband, and the two friends, \$87(2)(b) and \$87(2)(b) got off the subway at Times Square and began walking eastbound toward the rally site near the United Nations. When police barricades protecting the side streets from

The case was returned to the undersigned to be fully investigated on 6/6/03.



PO Kevin McDermott, interviewed at the CCRB on 8/6/03, related the following:

In uniform, PO McDermott was assigned to a roving detail providing support wherever crowd control became a concern. At some point, the crowd broke through a barrier at the intersection of Second Ave and 70th St., and "we lost that corner (to general chaos)" for about 15 to 20 minutes. Eventually PO McDermott and other officers were able to control the scene and begin ushering the protesters northbound once more.

Shortly thereafter, a white male and some companions started yelling "Fuck you" to the officers. PO McDermott told the group to move along, and they began to comply, but the white male, §87(2)(b) remained still, staring at the officer.

PO McDermott approached within two to three feet of \$87(2)(b) and "asked if he had something to say." When \$87(2)(b) replied in the negative, the officer ordered him to move along. \$87(2)(b) reluctantly complied, but as PO McDermott turned to walk away, he heard a female ask for his name and shield number. The officer complied.

PO McDermott was thoroughly convinced that \$87(2)(b) was among the group that was cursing at the officers, but PO McDermott denied touching, threatening or using obscene language with \$87(2)(b) He also denied that he tried to goad \$87(2)(b) -- into speaking or acting out -- for any purpose.

PO Carla Thomas, interviewed at the CCRB on 10/2/03, said she was standing on 70th St., just east of Second Ave., when she saw PO McDermott cross in front of her and approach a civilian male about 12 to 25 feet away. PO Thomas did not hear any of the exchange between them, if any, because it was too loud, and also, because just then a female civilian approached PO Thomas to ask something to the effect of, "Why are you stopping us (from going east)?"

PO Thomas does not recall if she answered before the female insisted upon being informed of PO McDermott's name and shield number. The woman appeared to know the male civilian that PO McDermott was speaking with. Before PO Thomas could answer, PO McDermott was near them and "loudly," but not rudely, providing her with his name and shield number.

PO Thomas did not witness PO McDermott commit any police misconduct.

Lt. Kevin McGeever, interviewed at CCRB on 10/15/03, provided a general overview of what working this particular detail had been like. §87(2)(9)

The whole day, conditions were chaotic and often dangerous for police officers charged with directing thousands of pedestrians north on Second Ave. The lieutenant explained that 72 St. was the street furthest south that was allowing pedestrians to cross eastbound, and most of the protesters had already been

forced to walk north a great deal before they had gotten to 70th St. Lt. McGeever and other, unknown officers had been "redeployed" to that location from another "because people were crossing the police barricades." They were "unruly and abusive," and seemingly believed that the police "weren't being forthcoming" about why the civilians were not being allowed to cross eastbound further south.

Lt. McGeever *did* recall that PO McDermott was in his approximate area for much of the tour, and was "always professional while I was watching," but they were not together all day.

There were "too many people" and "not enough police." He said it was, "for lack of a better word, every man for himself."

The lieutenant said he was impressed with the officers' collective restraint in general, because he had never heard such horrible verbal abuse spewed at the police as he did on that day.

He witnessed no police misconduct.

Conclusions and Recommendations

§ 87(2)(g)		
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3 - 1 (-)(3)		
Investigator:	Date:	
Supervisor:	Date:	
Reviewed by:	Date:	
Reviewed by:	Date:	